National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

15 January – 26 January 2007

This report summarizes United States federal regulatory items reviewed by the National Aeronautics and Space Administration (NASA) Principal Center for Regulatory Risk Analysis and Communication (RRAC PC) during the timeframe. Items that appeared to have limited interest to the NASA community are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 *Federal Register* (FR) 51967," are linked to the appropriate document for quick access. The minimum suggested follow-up actions are noted with significant items; users should be advised that other follow-up actions may be appropriate for their program or facility.

Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Lead, Sharon Scroggins/MSFC at 256-544-7932 (sharon.scroggins@nasa.gov).

Contents of This Issue

1.0 U.S. Federal Regulatory Review

1.1 *Federal Register* Summary

This summary includes FR items that were reviewed for potential impacts on NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed-2007-05	Radiation Survey	1/16/2006	72 FR 1708	Notice of Availability	Department of Defense, Department of Energy, Environmental Protection Agency, and the Nuclear Regulatory Commission Multi-Agency Radiation Survey and Assessment of Materials and Equipment Manual Announces for public comment the availability of a draft document, `*Multi-Agency Radiation Survey and Assessment of Materials and Equipment Manual*' (MARSAME). MARSAME provides information about planning, conducting, evaluating, and documenting radiological surveys for demonstrating compliance with measurable action levels. Comments due 4/16/2007. Document and more information available through the Internet at: http://www.epa.gov/radiation/marssim. Comments are due by 04/16/2007. May be of interest to facilities where nuclear work is performed.	
Fed-2007-06	CAA VOC Definition	1/18/2007	72 FR 2193	Final Rule	Air Quality: Revision to Definition of Volatile Organic Compounds--Exclusion of HFE 7300 [40 CFR Part 51] Adds 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane [also known as HFE 7300, L 14787, or C2F5CF(OCH3)CF(CF3)2] to the list of compounds excluded from EPA's definition of VOCs. Effective 1/18/2007 [EPA-HQ-OAR-2005-0124; FRL-8270-6] RIN 2060-AN34. Users that are subject to EPA regulations that limit VOC content or emissions will no longer need to consider HFE 7300 as a VOC in determining regulatory obligations. Some state regulatory requirements also may be affected in states that use EPA's definition of VOCs. Uses of HFE 7300, either alone or in mixtures, include refrigerant and heat transfer fluid applications and solvent applications for coatings, cleaning agents and lubricants. Considered a more environmentally friendly material, HFE 7300 may be a potential candidate substitute in efforts to replace ODSs and substances with high GWPs.	NASA programs should be aware that HFE 7300 is no longer considered a VOC, based on EPA's definition, or for state regulatory purposes if the state relies on EPA's definition.
Fed-2007-07	CAA NSPS – Solid Waste Incinerators	1/22/2007	72 FR 2620	Final Action on Reconsideration	Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units: Reconsideration [40 CFR Part 60] EPA previously received a petition for reconsideration of the OSWI rules. EPA subsequently announced reconsideration of whether SSI should be excluded from these rules and requested comments. EPA has concluded that no additional changes are necessary to the final OSWI rules. With respect to all other issues raised by the petitioner, EPA denies the request for reconsideration. Effective 1/22/2007 [EPA-HQ-OAR-2003-0156; FRL-8272-2] RIN 2060-AN91.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed-2007-08	CERCLA Munitions Response Sites	1/22/07	72 FR 2685	Notice of Availability	Draft Guidance for Munitions and Explosives of Concern Hazard Assessment Announces the availability of the Draft Guidance for Munitions and Explosive of Concern Hazard Assessment for public comment. The Guidance supports a recommended method for evaluating explosive safety hazards at military munitions response sites. It also presents approaches to support the evaluation of the effects of removal and remedial actions under CERCLA regarding explosive hazards at munitions response sites. The Guidance provides a consistent methodology for evaluating risk at munitions response sites and how the munitions risk can be integrated into a CERCLA risk assessment. Comments due 3/23/2007. The Guidance, comment form, and related materials can be found on EPA's website at: http://www.epa.gov/fedfac/documents/hazard_assess_wrkgrp.htm.	

Notes:
FR = *Federal Register*
MARSAME = *Multi-Agency Radiation Survey and Assessment of Materials and Equipment Manual*
CFR = *Code of Federal Regulations*
VOC = Volatile organic compound
EPA = U.S. Environmental Protection Agency
ODS = Ozone depleting substances
GWP = Global warming potentials
OSWL = Other solid waste incineration unit
CAA = Clean Air Act
NSPS = New Source Performance Standards

1.2 Discussion of Significant Actions and Other Developments

Summaries and other materials may be accessed on the Clean Air Act Working Group (CAAWG) website, www.caawg.org. For access to this website, please contact Sharon Scroggins/MSFC.

1.2.1 Spill Prevention, Control, and Countermeasure (SPCC) Amendments – Mobile Refuelers

A CAAWG member requested additional information about the amendments to the SPCC regulations regarding changes to the requirements for secondary containment for mobile refuelers. The facility where mobile refuelers operate and park still needs to meet the general secondary containment requirements of 40 *Code of Federal Regulations* (CFR) 112.7. However, mobile refuelers do not need to meet the size-specific requirements of 40 CFR 112.8. In addition, if the facility leaves a mobile refueler in one place and fuels items from the mobile refueler without moving it (uses it as a bulk storage container), then the mobile refueler would need specific secondary containment (26 December 2006; 71 FR 77284-5).

For information regarding other amendments to the SPCC regulations, please refer to the summary provided by the RRAC PC, which is posted at: http://caawg.org/Shared%20Documents/White%20Papers%20and%20Reference%20Material/SPCC_January_2007.pdf or contact Sharon Scroggins/MSFC at (256) 544-7932 (sharon.scroggins@nasa.gov).

1.2.2 U.S. Court of Appeals Vacated the 8-hour Ozone Implementation Rule

On 22 December 2006, the U.S. Court of Appeals vacated the implementation rule for the 8-hour ozone National Ambient Air Quality Standards (NAAQS) because some of the requirements were too weak to conform to the Clean Air Act (CAA). The full decision can be found at: http://pacer.cadc.uscourts.gov/docs/common/opinions/200612/04-1200a.pdf. For a detailed summary of the rule, please refer to the following document, provided by the Clean Air Act Services Steering Committee: http://www.caawg.org/Shared%20Documents/White%20Papers%20and%20Reference%20Material/Summary%20of%20Court%20Decision%20on%208hour%20Ozone%20Impl.doc.

1.2.3 President Bush Signs New Environmental Executive Order

On 26 January 2007, Executive Order (EO) 13423: Strengthening Federal Environmental, Energy, and Transportation Management was published (72 FR 3917). This EO supersedes five prior EOs and includes requirements for vehicles, petroleum conservation, alternative fuel use, energy efficiency, greenhouse gases, renewable power, building performance, water conservation, procurement, pollution prevention, electronics management, and environmental management systems. The RRAC has prepared an alert, which is posted at: http://www.caawg.org/Shared%20Documents/White%20Papers%20and%20Reference%20Material/Executive%20Order%20Alert_26%20January%202007.pdf.

1.2.4 EPA Issues Toxic Release Inventory (TRI) Burden Reduction Rule

EPA issued the final TRI Rule on 18 December 2006 (71 FR 76932), simplifying reporting requirements for certain facilities that are subject to TRI reporting requirements ("TRI facilities"). This final rule does the following:

- Expands eligibility for use of the Form A Certification Statement in lieu of the more detailed Form R for TRI facilities that are required to submit annual reports on releases and other waste management.
- Provides incentives for facilities to improve environmental performance by eliminating or reducing releases and managing remaining wastes using preferred methods such as recycling and treatment.
- Expands the current use of Form A for non- persistent, bioaccumulative, and toxic (PBT) chemicals, as follows:
  - Raises the eligibility limit on total waste management, including releases, recycling, energy recovery, and treatment, from 500 pounds to 5,000 pounds.
  - Caps releases and other disposal at 2,000 pounds; the cap means that releases and other disposal must not exceed 2,000 pounds of the 5,000-pound total limit for all waste management.
  - Requires facilities to eliminate all releases or other disposal, and to reduce other waste management of the chemical, such as recycling and treatment, to no more than 500 pounds for eligibility to use Form A for PBT chemicals.

Additional information about the rule can be found at: http://epa.gov/tri/tridata/modrule/phase2/forma.htm.

1.3 Status of Selected Continuing Actions in Progress

This section illustrates the status of selected actions the RRAC PC is actively tracking. Imminent actions are shown in red text. Questions about any of these actions or suggestions for additions to this list should be directed to Sharon Scroggins/MSFC.

Significant Dates			Subject Action [RIN]	Type of Action	Comments
NPRM	08/07		NESHAP: Defense Land Systems and Miscellaneous Equipment [2060-AM84]	Pre-rule	Possible impact to Ground Operations.
Final Action	08/08				Will cover surface cleaning, preparation, coating, and stripping operations on non-flight hardware at some NASA facilities. Could affect launch pads and GSE.
NPRM	09/07		CAA: Continued Use of ODS in Mission-Critical Applications	Pre-rule	Space vehicle operational impacts.
Final Action	01/09				NASA is currently in discussions with EPA regarding options to enable future use of relatively small quantities of ODS for mission-critical applications. Latest discussions suggest that future production of ODS will require the certified destruction of other, existing ODS (contaminated, etc.) with an offset of approximately 15%.
ANPRM	01/07		CAA: Risk and Technology Review, Phase II [2060–AN85]	Pre-rule	Possible space vehicle operational or materials impacts.
NPRM	06/07				Evaluation of residual risk remaining after implementation of numerous NESHAPs, including those regulating the Aerospace and Chrome Electroplating source categories. This rulemaking represents a relatively low risk of EPA imposing limits on HAP and VOC levels contained in coatings, cleaning solvents, and other materials used on flight hardware. Potential further restrictions on the chrome electroplating or other source categories also could affect vendor facilities.
Final	06/08				
NPRM	01/03/2007	72 FR 69	NESHAP General Provisions – Once In, Always In [2060-AM75]	Proposed Rule	Possible impacts to facilities, including space flight support facilities.
Final Action	12/07				KSC and MSFC currently are major sources of HAPs; MAF recently attained "synthetic minor" status. As proposed, this rule potentially could allow MAF to be considered an area source, no longer subject to any NESHAP requirements for major sources. However, this rule also will require any facility switching from major source to area source status to comply with any applicable area source regulations.
NPRM	03/07/06	71 FR 11483	SNUR: Perfluorinated Polymers [2070-AD58]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	12/07				Rule would require manufacturers to notify EPA of any new materials or significant uses of perfluorinated polymers including those containing perfluoroalkyl sulfonates (PFAS); perfluoroalkyl carboxylates (PFAC); fluorotelomers; or perfluoroalkyl moieties that are covalently bound to a carbon or a sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule.
NPRM	03/10/06	71 FR 12311	SNUR: Perfluoroalkyl Sulfonates [2070-AJ18]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	05/07				Rule would limit or eliminate uses of PFAS, a family of chemicals used as additives, waterproofing agents, etc. The rule would effectively allow the use of PFAS chemicals only as components of aviation hydraulic fluids; photoresist substances; anti-reflective coatings; coatings for surface tension, static discharge, and adhesion control related to imaging applications; or as a chemical intermediate. SSP Orbiter tile waterproofing materials previously incorporated a PFAS additive, but have been replaced. It is unknown whether regulating additional PFAS-related chemicals would affect other operational materials.
NPRM	08/11/06	71 FR 46144	DEA: Iodine [1117-AA93]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	04/07				The DEA is proposing to change the way iodine and its mixtures are regulated due to its uses related to illicit drug manufacturing. The rule would require additional controls and facility licensing for purchase, transport, and storage of iodine and mixtures containing more than 2.2 percent iodine. The space suits and International Space Station use such products for water disinfection and could have supply chain impacts in the future.

Notes:
NPRM = Notice of Proposed Rulemaking
ANPRM = Advance Notice of Proposed Rulemaking
NESHAP = National Emission Standards for Hazardous Air Pollutants
NASA = National Aeronautics and Space Administration
GSE = Ground support equipment
CAA = Clean Air Act
ODS = Ozone depleting substances
EPA = U.S. Environmental Protection Agency
VOC = Volatile organic compound
FR = *Federal Register*
KSC = Kennedy Space Center
MSFC = Marshall Space Flight Center
SNUR = Significant new use rule
SSP = Space Shuttle Program
DEA = Drug Enforcement Administration
HAP = Hazardous air pollutant

2.0 State Regulatory Reviews

The following sections provide details of regulatory actions reviewed for each state in which NASA facilities are located.

2.1 Alabama State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Alabama.

RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL-2007-01	Air New Source Performance Standards	1/24/2007	Air Division Rule 335-3-10-.01 through .03	Proposed Rule	335- Alabama Department of Environmental Management 3- Air Division 10- New Stationary Sources Proposed changes would incorporate by reference federal changes to the New Source Performance Standards (NSPS) from January to July 2006. These revisions are not proposed to be part of Alabama's State Implementation Plan (SIP). On 06/12/2006, U.S. Environmental Protection Agency (EPA) published proposed New Source Performance Standards (NSPS) for stationary spark ignition (SI) internal combustion engines (ICE). The NSPS would regulate nitrogen oxides, carbon monoxide, and non-methane hydrocarbons from new, modified, and reconstructed stationary SI engines.	NASA should consider reviewing for applicability
AL-2007-02	Waste Scrap Tires	1/25/2007	Land Division Rule 335-4-1	Proposed Rule	335- Alabama Department of Environmental Management 4- Land Division 1- Scrap Tire Program Proposed changes would revise portions of Division 4 Regulations to reflect statutory changes made during the 2006 session of the Alabama Legislature to the Alabama Scrap Tire Environmental Quality Act, Code of Alabama 1975, §22-40A-I et seq. The Department also is proposing to correct any typographical errors in the existing regulations and to clarify regulations, as necessary, in the existing rules. Additionally, the Department, in conjunction with the Scrap Tire Commission (STC), is proposing to establish regulatory requirements governing the use of the Scrap Tire Fund (STF) to remediate sites with 25,000 or fewer accumulated scrap tires. Revisions to this chapter clarify definitions, exempt certain scrap tires from regulation, and ensure consistency with the statutory provisions. Final Date for Comment: Friday, 02/02/2007 at 5:00 p.m. Proposed changes would not affect the way that NASA manages this waste stream.	
AL-2007-03	Water Operator Certification	1/24/2007	Water Division Rule 335-10-1	Proposed Rule	335- Alabama Department of Environmental Management 10- Water Division 1- Operator Certification http://www.adem.state.al.us/Regulations/regulations.htm Changes to regulations for plant Operator Certifications.	If MFSC wastewater plant operators are certified, NASA should consider reviewing for applicability

2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California.

RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA-2007-03	Hazardous Waste Identification and Listing of Hazardous Waste	01/23/2007	CCR, Title 22. Division 4.5. Chapter 11. Article 5. Section 66261.126, Appendix X, Document 1	Rule Modification	Management of Special Wastes This subdivision sets forth a list of chemicals that create a presumption that a waste is a hazardous waste. This modification adds the following chemicals to this list. If a waste consists of or contains a listed chemical, the waste is presumed to be a hazardous waste unless it is determined nonhazardous pursuant to the procedures set forth in section 66262.11: ▪ Carbanolate, BANOL, 2-Chloro-4,5-dimethylphenyl methylcarbamate ▪ Endothion, Exothion ▪ TELODRIN, Isobenzan; 1,3,4,5,6,7,8,8-Octachloro-1,3,3a,4, 7,7a-hexahydro-4,7-methanoisobenzofuran Could be of interest to NASA facilities using any of the chemicals listed above.	NASA facilities using the listed chemicals should consider reviewing for applicability.
CA-2007-04	Water Proposition 65	12/08/2006	Proposition 65 Current List of Chemicals	Notice	Office of Environmental Health Hazard Assessment (OEHHA); the California Environmental Protection Agency Removal of Chemicals from Proposition 65 List Removes the substances listed below from the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). Effective 12/08/2006: ▪ Isosafrole [CAS No. 120-58-1] ▪ 5-nitro-o-anisidine [CAS No. 99-59-2] ▪ Tris(aziridinyl)-p-benzoquinone (triaziquone) [CAS No. 68-76-8]	NASA facilities using the listed chemicals should consider reviewing for applicability.
CA-2007-05	Hazardous Waste Hazardous Waste Management System	01/23/2007	CCR, Title 22. Division 4.5. Chapter 10. Article 3. Section 66260.202	Final Rule	Restrictions on the Use of Heavy Metals in Covered Electronic Devices Prohibits the sale of covered electronic devices in California if the device is prohibited from being sold or offered for sale in the European Union on or after its date of manufacture due to the concentration of one or more heavy metals in the device that exceed its maximum concentration value, as specified in the Commission of European Communities' Decision of 8/18/2005, amending Directive 2002/95/EC (European Union (EU) document 2005/618/EC), or as specified in a subsequent amendment to the Directive. Effective 1/01/2007; affects devices manufactured on or after 1/01/2007. "Covered electronic device" is defined in Public Resource Code section 42463(f) as being "a video display device containing a screen greater than four inches, measured diagonally…", such as cathode ray tubes and liquid crystal displays. Exceptions to this definition are such devices that are: • Part of a motor vehicle • Contained within, or a part of a piece of industrial, commercial, or medical equipment, including monitoring or control equipment • Contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air-conditioner, dehumidifier, or air purifier • Electronic devices that cease to be covered electronic devices	Facilities and programs should be aware of this change to California regulations and of the general regulatory trend to limit usage of heavy metals in electric and electronic devices. Program design engineers should consider selecting video display devices that comply with these requirements to minimize future obsolescence issues.

RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
					The EU directive referenced in the rule covers a wide range of electrical and electronic devices. Although this California rule specifically focuses on video display devices, NASA programs and facilities should be aware that additional types of electrical and electronic devices could be included in the future. NASA programs have been concerned about EU regulations exerting pressure on suppliers to limit the use of traditional lead solder and electronics finishes. Such materials are critical for use in some space vehicle components. Unexpected or unidentified materials changes could cause materials compatibility and performance issues in flight hardware. It is possible that this California regulation will exert similar pressure on the domestic supply chain to modify existing video component materials to comply.	
CA-2007-06	Climate Change AB 32	01/26/2007	California Global Warming Solutions Act of 2006	Symposium Notice	California Air Resource Board Symposium on Near-term Solutions for Climate Change Mitigation in California A 3-day conference will be held to discuss near-term solutions that could be implemented soon to curb emissions linked to global warming, pursuant to AB 32. This bill, signed by Governor Arnold Schwarzenegger in September 2006, establishes the first statewide cap on greenhouse gas emissions and mandates that the state achieve 25-percent reduction in greenhouse gas emissions by 2020. Conference Information: 5 - 7 March 2007 at the Cal/EPA building, Sacramento, CA. Further information is available at: http://www.arb.ca.gov/cc/030507symp/030507symp.htm	
CA-2007-07	CWA TMDLs	01/18/2007	72 FR 2280	Notice of Availability	Availability of San Gabriel River Total Maximum Daily Loads (TMDLs) Announcement of availability of EPA's proposed total maximum daily loads (TMDLs) in San Gabriel River watershed to address water quality-limited segments and elevated metals and selenium levels pursuant to Clean Water Act Section 303(d)(1). Comments due 2/15/2007. This ruling could affect NASA facilities located in San Bernardino and Los Angeles counties.	Jet propulsion laboratory and goldstone tracking facilities should consider reviewing for applicability.

2.3 Florida State Regulatory Review

No items of interest were found during this reporting period for Florida.

2.4 Hawaii State Regulatory Review

No items of interest were found during this reporting period for Hawaii.

2.5 Louisiana State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Louisiana.

RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
LA-2007-01	Hazardous Waste Generators	01/19/2007	LAC 33	Final Rule	Part V Chapter 11 Subchapter A. 1107.A.8.a and b – The Manifest System Physical address is now used on manifest form not mailing address.	NASA hazardous waste generators should note this information change on manifests.
LA-2007-02	Hazardous Waste Generators	01/19/2007	LAC 33	Final Rule	Part V Chapter 56 Subchapter A. 5136 – Manifest Form Fee This section has been repealed.	NASA hazardous waste generators should note that this requirement has been removed.
LA-2007-03	Air Lead-based Paint Activities	01/19/2007	LAC 33	Proposed Rule	Part III Chapter 28 (2805, 2807, 2809, 2811 and 2813) – Lead-Based Paint Activities This rule revision will continue to require annual refresher training, but adds requirements for training in the event that the annual refresher training was not obtained in a timely manner.	NASA facilities should evaluate their training requirements.

2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Maryland.

RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD-2007-02	Air Gasoline Dispensing Facilities	01/23/2007	COMAR 26.11.24.05-1	Regulation Update	Stage II Vapor Recovery at Gasoline Dispensing Facilities Outlines new Inspection Requirements by a Certified Inspector of a gasoline dispensing facility or a gasoline storage tank with a vapor recovery system. The schedule for inspection is set forth in COMAR 26.10.03.10. Effective date is 1/29/2007. The addition of this inspection requirement could potentially increase facilities' regulatory burden.	NASA should evaluate its current inspection schedule so as to meet the new requirements.
MD-2007-03	Agriculture	01/23/2007	Maryland Register, (01/19/2007),Volume 34 • Issue 2 • Pages 57—224	Proposed Rule	Agricultural Operation Nutrient Management Plan Requirements Proposes to amend Regulation .02 under COMAR 15.20.07 by updating the plant nutrient recommendation requirements. Comments accepted through 2/07/2007.	

2.7 Mississippi State Regulatory Review

No items of interest were found during this reporting period for Mississippi.

2.8 New Mexico State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in New Mexico.

RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
NM-2007-01	Air Reduction of Greenhouse Gas Emissions	12/28/2006	Executive Order 2006-69	Executive Order	Executive Order [Reduction of Greenhouse Gas Emissions] Governor Bill Richardson's Executive Order creates a team of officials to carry out recommendations made by the state's Climate Change Advisory Group (CCAG) and to ensure that policies from the order are implemented. The following policies were outlined in the order: 1) creating a market-based greenhouse gas emissions registry and reduction program; 2) advancing carbon capture sequestration technology; 3) promoting the use of manure from the dairy industry in power generation; 4) developing an education and outreach program on green buildings for those private sector builders; 5) creating new procurement rules that ensure state government offices have energy efficient appliances; 6) mandating that state vehicles use mainly clean, renewable fuels; and 7) proposing a one-time tax credit of up to 40 percent for the purchase, construction, or retrofitting of alternative fuel filling stations. The CCAG was established by a previous Executive Order 05-033, Climate Change and Greenhouse Gas Reduction, on 5/05/2005. The strategies outlined in the order aim to reduce greenhouse gas emissions based on 69 recommendations identified by the CCAG covering the sectors of energy supply; residential, commercial and industrial energy use; agriculture and forestry; and transportation and land use. Sector-specific policy recommendations were developed to meet the Executive Order 05-033 greenhouse gas reduction targets for New Mexico at 2000 levels by the year 2012, 10 percent below 2000 levels by the year 2020, and 75 percent below 2000 levels by the year 2050. Some of the policy recommendations may change regulations and emission limits, which may eventually trickle down to federal facilities in New Mexico, such as the WSTF. More information regarding the order and the CCAG can found using the following links. • Executive Order 2006-69 (Effective 12/28/2006) www.governor.state.nm.us/press/2006/dec/122806_01.pdf • New Mexico Climate Change Initiatives and Advisory Group: http://www.nmenv.state.nm.us/cc/	NASA and the White Sands Test Facility (WSTF) should be aware of the new state executive order requirements.

2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

RRAC PC State Tracking Number	Subject	Date Published	Citation	Type Action	Description	Suggested Actions
OH-2007-01	CAA Ohio SIP	01/23/2007	72 FR 2823;	Proposed Rule	Approval and Promulgation of Implementation Plans; Ohio Particulate Matter [40 CFR Part 52] The U.S. Environmental Protection Agency (EPA) is re-proposing approval of Ohio rules concerning equivalent visible emission limits (EVELs). EPA proposed to approve these rules on 12/02/2002, at 67 FR 71515. However, that proposal did not clearly solicit comment on the timing by which actions on EVELs by the state take effect. EPA is proposing that previous state modifications to EVELs would become effective at the federal level immediately upon the effective date of any final EPA action approving these Ohio rules. Similarly, any future action by the state to establish, modify, or rescind EVELs in accordance with the criteria given in these Ohio Rules, 3745-17-07(C), would become effective at the federal level immediately upon the effective date of the state action. Comments due 2/22/2007. The Ohio rules that EPA proposes to approve provide that EVELs issued by the state in accordance with the specified criteria take effect without formal review by EPA. Consequently, when the state issues an EVEL for a unit at a source, this EVEL will supersede any EVEL that previously may have been issued for that unit, regardless of whether or not the prior EVEL was part of the State Implementation Plan (SIP). Similar consequences apply when the state terminates an EVEL for a unit at a source.	NASA facilities should consider reviewing for applicability.
OH-2007-02	Air Air Pollution Control	01/09/2007	OAC 3745-15	Revised Public Notice	General Provisions on Air Pollution Control [OAC 3745-15] Extends the public comment period on Ohio Administrative Code ("OAC") Rules 3745-15-01, 3745-15-02, and 3745-15-04 to 3745-15-09 by 30 days. These rules establish the general provisions for air pollution sources located in Ohio. The Ohio Environmental Protection Agency (OEPA) will be accepting comments through 2/8/2007. The original public notice was issued 11/30/2006. Proposed changes to the rules include the following: ▪ Changes to the amplifying and authorizing statutes ▪ Inclusion of a reference section ▪ Wording changes to make the language more concise ▪ Some insignificant emissions units (IEUs) may now require submission of an emissions activity category form; which then may require the IEUs to be included on the state and/or federally enforceable side in the Title V permit ▪ Significant changes to Rule OAC-3745-15-06, which addresses the requirements for approval and operation during scheduled maintenance of control equipment and for reporting of malfunctions	NASA programs should consider evaluating the proposed rule changes for impacts to the Glenn Research Center (GRC) operations and, if necessary, provide comments to the OEPA.

RRAC PC State Tracking Number	Subject	Date Published	Citation	Type Action	Description	Suggested Actions
OH-2007-03	Asbestos Asbestos Emission Controls	01/23/2007	OAC 3745-20	Final Rule	Notice of Adoption of Rules of OAC Chapter 3745-20 Amends OAC Rules 3745-20-01 to 3745-20-15. The amendments correct typographical errors; fulfill requirements of Ohio Revised Code (ORC) 121.72 for the incorporation of materials by reference; and update and clarify the authorizing statutes for each rule. Additionally, new language was added that requires that a certified asbestos hazard evaluation specialist conduct the survey. Effective date: 02/2/2007. These rules are related to the control of asbestos emissions and include requirements for notification prior to demolition or renovation of a facility.	NASA facilities should be aware of these new requirements for operations related to asbestos.
OH-2007-04	Wastewater Pretreatment Standards		OAC 3745-3	Final Rule	Final Pretreatment Program Rules (OAC 3745-3 and 3745-36) Updates OAC 3745-3 to reflect the amendments to the rule, adopted on 12/22/2006. These rules provide the administrative requirements for the development and implementation of pretreatment programs, regulating industrial discharges to publicly owned treatment works. The rules were amended, in part, to be consistent with the national "pretreatment streamlining rule" published by EPA in the FR on 14 October 2005. These rules prohibit certain pollutants from being discharged to a publicly owned treatment works (POTW) by industrial users and set limits on other pollutants. The rules also set sampling and reporting requirements for industrial users. Effective Date: 2/01/2007 These rules were amended to reflect updates made to the federal pretreatment rules.	NASA facilities should consider reviewing for applicability.
OH-2007-05	Wetlands Isolated Wetlands Permit	01/16/2007	ORC 6111.021	Public Notice	Public Notice for Draft General Isolated Wetland Permit Draft renewal of the general permit that regulates the filling of, and the discharge of dredged material into, Category 1 and Category 2 isolated wetlands of the state where the total combined impacts for a single and complete proposed project are ½ acre or less. The permit identifies the coverage limitations, notification requirements, review process, permit conditions, mitigation requirements, and limitations of an approved permit. The general permit is required under Section 6111.021 of the ORC. Comments should be submitted by 3/08/2007. A public information session and public hearing will be held on 3/01/2007. Coverage of the permit is limited to Category 1 and Category 2 isolated wetlands of up to ½ acre or less.	NASA facilities should consider evaluating the draft permit for impacts to GRC operations and, if necessary, provide comments to the OEPA.

2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Texas.

RRAC PC State Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX-2007-01	Hazardous Materials	01/19/2006	32 Texas Register 245	Final Rule	Incorporates by reference the Federal Hazardous Material Regulations (FHMR) [49 CFR Parts 107 (Subpart G), 171 to 173, 177, 178, and 180], as amended, through 11/01/2006. Previously only included amendments through 7/01/2006. This rule incorporates one amendment to the FHMR that might be applicable to NASA facilities: • 71 FR 51122 - Revises the Hazardous Materials Regulations to address a known safety problem with cylinders manufactured of aluminum alloy 6351-T6. The revisions include an inspection and testing program for early detection of sustained load cracking on cylinders manufactured of aluminum alloy 6351-T6 and used in self-contained underwater breathing apparatus, self-contained breathing apparatus (SCBA), and oxygen services.	NASA facilities and programs, including logistics organizations, should be aware of this change.

2.11 Virginia State Regulatory Review

No items of interest were found during this reporting period for Virginia.